



United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 18415
WASHINGTON DC 20036

14 NOV 2006

In re Application of :
Nakagawara et al. :
Application No. 10/570,346 :
PCT No.: PCT/JP04/12955 :
Int. Filing Date: 06 September 2004 : DECISION
Priority Date: 05 September 2003 :
Atty. Docket No.:738888083 :
For: Agent For Prevention And/Or :
Treatment Of Alzheimer's Disease :
:

This is in response to the "Response To Notice To File Missing Parts Dated June 27, 2006," filed on 30 June 2006.

BACKGROUND

This international application was filed on 06 September 2004, claimed an earlier priority date of 05 September 2003, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 17 March 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 06 March 2006 (since 05 March 2006 was a Sunday). Applicants filed, *inter alia*, the basic national fee on 03 March 2006.

On 06 June 2006, applicants submitted a declaration of the inventors.

On 27 June 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

DISCUSSION

Applicants refer to the executed declaration filed on 06 June 2006, which was filed prior to the mailing of Form PCT/DO/EO/905 on 27 June 2006. However, inspection of the declaration filed on 06 June 2006 reveals that the second-named inventor is "Toshinori OZAKI," whereas the published international application instead nominates "OZAKI, Toshifumi." To the extent that this discrepancy represents more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition and fee under 37 CFR 1.182 would be required to resolve this matter. See MPEP § 605.04(b) and MPEP § 201.03(b). In the absence of a grantable petition under 37 CFR 1.182 (or other acceptable response such as evidence of the recording of a change pursuant to PCT Rule 92bis), it would not be appropriate to accept the declaration at this time.

CONCLUSION

The declaration filed on 06 June 2006 is **NOT ACCEPTED**, without prejudice.

A proper response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459